

U.S. Patent Application Serial No. 10/760,491
Amendment filed February 14, 2008
Reply to OA dated October 18, 2007

REMARKS:

Claims 1-64 are currently pending. Claims 1-5, 21, 30, 41-45, and 48-53 are currently being considered. Claims 6-20, 22-29, 31-40, 46, 47, and 54-64 have been withdrawn from consideration.

Claims 1, 21, 30, 41-43, and 48-50 have been amended herein.

A. The Examiner has rejected claims 48-53 as being directed to non-statutory subject matter.

Applicant respectfully traverses this rejection, for the reasons set forth below.

1. Claims 48-50

The Examiner has suggested that claims 48-50 set forth non-statutory subject matter.

The Examiner has suggested that this rejection of claims 48-50 will be overcome when claims 48-50 are amended to include this language: "a computer readable medium encoded with computer executable instructions for executing a map information processing method" (Office Action dated October 18, 2007, page 2).

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Accordingly, claims 48-50 have been amended herein to include the language suggested by the Examiner. In view of the above, Applicant respectfully submits that this rejection of claims 48-50 should be withdrawn.

2. Claims 51-53

The Examiner has suggested that claims 51-53 set forth non-statutory subject matter.

The Examiner has suggested that this rejection of claims 51-53 will be overcome when claims 51-53 are amended to include this language: "a computer readable medium storing a map information processing program" (Office Action dated October 18, 2007, page 2).

Applicant respectfully submits that claims 51-53 are directed to statutory subject matter. Claims 51-53 set forth "A recording medium storing a map information processing program in a manner readable by a computing section" in combination with other features.

Accordingly, in view of the above, Applicant respectfully submits that this rejection of claims 51-53 should be withdrawn.

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B. The Examiner has rejected claims 1-5, 21, 41-45, and 48-53 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,430,499 (Nakano '499).

Applicant respectfully traverses this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

The test for anticipation under 35 U.S.C. §102 was shown by the Federal Circuit in Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir. 1987), wherein it was indicated that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Additionally, in Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990), it was further indicated that "[t]he identical invention must be shown in as complete detail as contained in the claim."

The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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The Examiner has not yet established a *prima facie* case of anticipation. But it is the burden of the Examiner to do so. The U.S. Patent and Trademark Office has the burden of proof to show that an applicant is not entitled to a patent if the claimed subject matter is anticipated by, or is obvious from, the art of record. A patent applicant is entitled to a patent "unless" the U.S. Patent and Trademark Office establishes otherwise. See, e.g., In re Dembiczak, 175 F.3d 994, 1001 (Fed. Cir. 1999); In re Epstein, 32 F.3d 1559, 1564 (Fed. Cir. 1994); In re Rijckeart, 9 F.3d 1551, 1552 (Fed. Cir. 1992); In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

Nakano '499 teaches a special arithmetic operation of the road network data. **Nakano '499** fails to expressly or inherently describe that a road is represented using "matching data." Also, **Nakano '499** fails to expressly or inherently describe that the identification of point (node) information is made using one-bit flag information.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 1, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; a correction section that recognizes the relation of the point information with the other point information having the same coordinates information based on the flag information of the point information to recognize the road arrangement," in combination with the other claimed features.

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Nakano '499 fails to expressly or inherently describe the following features set forth in claim 21, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; a correction section that recognizes the relation of the point information with the other point information having the same coordinates information based on the flag information of the point information to recognize the road arrangement," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 41, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement, the current position information being corrected by recognizing the relation of the point information with the other point information having the same coordinates information based on the flag information of the point information to recognize the road arrangement," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 42, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point informaton according to the determination whether the represented points are identical or not and represents the road arrangement, the current position

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information being corrected by recognizing the relation of the point information with the other point information having the same coordinates information based on the flag information of the point information to recognize the road arrangement," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 43, as amended: "the matching data further including a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; correcting the current position information so that the current position is on the road represented by the point information and the segment information of the acquired matching data at the terminal unit, the current position information being corrected by recognizing the relation of the point information with the other point information having the same coordinates information based on the flag information of the point information to recognize the road arrangement," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 48, as amended: "correcting the current position information so that the current position based on the acquired current position information is on a road represented by a point information and a segment information of a matching data including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point

information," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 49, as amended: "correcting the current position information at the server unit so that the current position is on a road represented by a point information and a segment information of a matching data of the map information including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 50, as amended: "acquiring a matching data of the map information including a plurality of point information that has a coordinates information and a unique point information and represents predetermined points, and a segment information that has a unique segment information and connects the pair of point information, and representing a road with the point information and the segment information, at the terminal unit from the server unit over the network; correcting the current position information so that the current position is on the road represented by the point information and the segment information of the acquired matching data at the terminal unit," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 51: "correcting the current position information so that the current position based on the acquired current position information is on a road represented by a point information and a segment information of a matching data including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 52: "correcting the current position information at the server unit so that the current position is on a road represented by a point information and a segment information of a matching data of the map information including the plurality of point information that has a coordinates information and a unique point information and represents predetermined points and a segment information that has a unique segment information and connects the pair of point information," in combination with the other claimed features.

Nakano '499 fails to expressly or inherently describe the following features set forth in claim 53: "acquiring a matching data of the map information including a plurality of point information that has a coordinates information and a unique point information and represents predetermined points, and a segment information that has a unique segment information and connects the pair of point

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connects the pair of point information, and representing a road with the point information and the segment information, at the terminal unit from the server unit over the network; correcting the current position information so that the current position is on the road represented by the point information and the segment information of the acquired matching data at the terminal unit," in combination with the other claimed features.

Accordingly, in view of the above, Applicant respectfully submits that this rejection of claims 1, 21, 41-43, and 48-53 should be withdrawn. It is submitted that this rejection of claims 2-5, 44, and 45 should be withdrawn by virtue of their dependency.

C. The Examiner has rejected claim 30 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,351,707 (Ichikawa '707).

Applicant respectfully traverses this rejection, for the following reasons.

There are substantial, important differences between the art relied upon by the Examiner and the features set forth in the claims in issue.

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"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

A patent applicant is entitled to a patent "unless" the U.S. Patent and Trademark Office establishes otherwise.

Ichikawa '707 teaches a navigation system and method for calculating a guide route.

Ichikawa '707 fails to expressly or inherently describe the following features set forth in claim 30, as amended: "the point information further having a flag information that shows with one-bit a relation of the point information with other point information according to the determination whether the represented points are identical or not and represents the road arrangement; and a coordinates matching section that recognizes the relation of the point information with other point information based on the flag information of the point information acquired by the map information acquiring section and recognizes the road arrangement," in combination with the other claimed features.

Accordingly, in view of the above, Applicant respectfully submits that this rejection of claim 30 should be withdrawn.

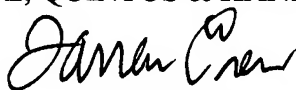
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The amendments to claims are supported by the original disclosure. See, for example, the specification of the subject application, starting on page 39 at line 10.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,
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Enclosure: Petition for Extension of Time